

BEFORE THE STATE OF WASHINGTON

THERMAL POWER PLANT SITE EVALUATION COUNCIL

In the Matter of the)	
Application No. 71-1 of the)	FINDINGS, CONCLUSIONS
)	AND ORDER REGARDING LAND
WASHINGTON PUBLIC POWER)	USE PLANS OF THERMAL POWER
SUPPLY SYSTEM,)	PLANT SITE APPLICATION
)	NO. TPPSEC 71-1
A Municipal Corporation of)	
the State of Washington.)	

This matter came on for public hearing before the Washington Thermal Power Plant Site Evaluation Council convened in Richland, Washington, at the Richland City Hall beginning at 1:30 P.M., March 8, 1971, pursuant to public notice heretofore published as required by the laws of the State of Washington, and served upon the parties and counsel pursuant to the provisions of WAC 1-08-080. Said hearing being recessed to March 22, 1971, at 2:00 P.M., Richland City Hall.

The parties to this proceeding and counsel who appeared concerning the subject matter of this decision were: (1) The applicant Washington Public Power Supply System, appearing by its counsel, Richard Q. Quigley, 130 Vista Way, Kennewick, Washington, and Houghton, Cluck, Coughlin & Riley, 320 Central Building, Seattle, Washington, John W. Riley of counsel; (2) Mr. Malachy Murphy, Assistant Attorney General of the State of Washington, Counsel for the Environment; (3) Mr. Charles F. Murphy, Assistant Attorney General, Temple of Justice, Olympia, Washington, Counsel for the Washington State Thermal Power Plant Site Evaluation Council.

Nature and Background of this Proceeding.

The Washington Public Power Supply System filed its application for certification of a thermal power plant site which is situated in Benton County on January 28, 1971. The statutory filing fee of \$25,000 was received by the Council and transmitted to the State Treasurer.

Pursuant to the provisions of RCW 80.50.090 (1) and (2) and WAC 463-08-035 the Council directed these hearings should be convened for the purpose of determining whether or not the proposed site is consistent and in compliance with county and regional land use plans or zoning ordinance, and for the purpose of conducting public informational hearings pursuant to WAC 463-08-035.

Prior to said hearing , the Board of County Commissioners of Benton County, Washington, duly appointed its representative to sit as a member of the Washington Thermal Power Plant Site Evaluation Council pursuant to the provisions of RCW 80.50.030 (4).

WHEREUPON, this public hearing having been duly convened at 1:30 P.M., March 8, 1971, and later recessed to 2:00 P.M., March 22, 1971, at Richland City Hall, Richland, Washington, and documentary evidence and testimony having been offered by the applicant and other persons in attendance and the members of the Council having examined the documents and records concerning this above-referenced application previously filed herein and being fully advised, the Council now makes and enters the following:

FINDINGS OF FACT

1. The proposed site for construction of the thermal power plant described in the above-referenced application is situated in Benton County, Washington, and is more particularly described as follows:

All of Sections 29, 30, 31 and 32, and the west half of Section 33, Township 12 North, Range 28 East, Willamette Meridian; and, all of Sections 4, 5, 6, 8, 9, 10, 15 and 16, and the northeasterly half of Sections 7 and 17, and the portion of Sections 11 and 14 West of the Columbia River, Township 11 North, Range 28 East, Willamette Meridian; and the east half of Sections 25 and 36, Township 12 North, Range 27 East, Willamette Meridian; and, that portion of the east half of Section 1 lying northeasterly of the highway, Township 11 North, Range 27 East, Willamette Meridian, all in Benton County, State of Washington.

2. The proposed plant site is situated in an area which is zoned as "Unclassified" according to the Benton County Zoning Code, a certified copy of which has been filed in these proceedings and is identified as Exhibit 1 herein. The Benton County Zoning Code is the only local land use zoning regulation in effect which applies to the proposed site more specifically described above and the anticipated use of the proposed site is a use which is permitted within the applicable zoning classification of the area in which the site is located.

3. Said Benton County Zoning ordinance has not been modified, amended or altered either as to classifications or land uses permitted as to this site.

4. The Benton-Franklin Governmental Conference is a Regional Planning Agency consisting of various governmental agencies and municipal corporations of Benton and Franklin Counties, Washington. Said Conference is organized under provisions of RCW 36.64.080 for the purpose of conducting studies and recommending long range land use plans of areas within Benton and Franklin Counties. The Benton-Franklin Governmental Conference regional land use plan is consistent with the existing Benton County Zoning Code, and, insofar as it applies to the proposed site, anticipates the same uses as the existing Benton County Zoning Code.

5. The plant site is situated in an area known as the United States Atomic Energy Commission Reservation, also known as the "Hanford Works" which has for a period of more than twenty-five years been devoted exclusively to industrial activities related to atomic energy.

6. The applicant proposes to use the site for the construction of a nuclear fueled electrical generating plant with a capacity of approximately 1,100,000 kw/e. The electrical generating facility and all related buildings and facilities, a cooling pond reservoir, and related electrical transmission facilities will all be located on the Atomic Energy Commission Reservation.

On the basis of the foregoing Findings of Fact, the Council now makes and enters the following

CONCLUSIONS OF LAW

1. These hearings of the Washington Thermal Power Plant Site Evaluation Council have been duly convened pursuant to the provision of RCW 80.50.090 (1) and (2) and WAC 463-08-035.

2. Public notice of this hearing has been given to all parties, their counsel, the public and various public information media and the press as required by law.

3. Agencies designated as members of this Council and/or their duly designated representatives were present and participated in the hearings in the manner required by law.

4. The Council has jurisdiction of the applicant and the subject matter of this hearing.

5. The proposed nuclear power plant site including associated transmission lines described in the application on file herein is for a use and a purpose which is consistent with and in compliance with Benton County and regional land use plans and zoning requirements which bear upon the land areas immediately surrounding the proposed plant site and the plant site itself.

NOW, THEREFORE, pursuant to the provisions of RCW 80.50.090 (1) and (2) and WAC 463-08-035 it is hereby

ORDERED AND DECLARED by the Washington Thermal Power Plant Site Evaluation Council as of March 22, 1971, that the use and purpose of the proposed nuclear power plant site described in application No. 71-1 on file with the Council is consistent with and in compliance with Benton County and regional land use plans and zoning requirements.

SIGNED AND ENTERED this 17th day of April, 1971.

WASHINGTON STATE THERMAL POWER PLANT
SITE EVALUATION COUNCIL

By Ralph W. Larson

Ralph W. Larson
Department of Game
Acting Chairman

Approved for entry.

WASHINGTON PUBLIC POWER SUPPLY SYSTEM

By Richard Dingley
Counsel

David Spellenz
Of Counsel

Malachuk P. Manly
Counsel for the Environment

Carole H. Hines
Attorney for the Washington Thermal
Power Plant Site Evaluation
Council

BEFORE THE STATE OF WASHINGTON
THERMAL POWER PLANT SITE EVALUATION COUNCIL

In the Matter of the)	
Application No. 71-1 of the)	
WASHINGTON PUBLIC POWER)	ORDER ALLOWING LIMITED
SUPPLY SYSTEM,)	INTERVENTION TO TRI-CITY
)	NUCLEAR INDUSTRIAL COUNCIL
A Municipal Corporation of)	
the State of Washington.)	

An amended written application for limited intervention status having been filed on March 22, 1971, with the Council, and by this reference hereby incorporated within this order, in No. 71-1 before the State of Washington's Thermal Power Plant Site Evaluation Council pursuant to the Council's Rules of Practice, WAC 463-08-025, by the Tri-City Nuclear Industrial Council and the Council having determined by vote, 13-0, that said limited status ought to be granted,

IT IS HEREBY ORDERED that such limited status be allowed above named applicant, subject to limitations imposed by the Council as to presentation of oral arguments and testimony. Further, that said limited intervenor status does not carry any right of cross-examination except as expressly allowed by the Council.

IT IS FURTHER understood and agreed that the limited intervenor will have the following other procedural rights:

- (1) Be permitted to submit briefs to the Council;
- (2) Receive notices given by the Council to the parties;
- (3) Be served with all orders and decisions entered